

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

Case: 2:23-mj-30152

Assigned To : Unassigned

Assign. Date : 4/11/2023

Description: RE: KEVIN JAMES
DEITERING (EOB)

United States of America

v.

Kevin James Deitering

Case No.

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 7, 2023 in the county of Wayne in theEastern District of Michigan, the defendant(s) violated:*Code Section*

18 U.S.C. § 922(g)(1)

Offense Description

Felon in Possession of Ammunition

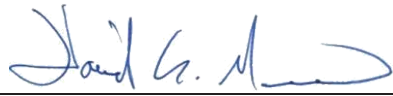
This criminal complaint is based on these facts:

see attached affidavit.

☒ Continued on the attached sheet.Sworn to before me and signed in my presence
and/or by reliable electronic means.Date: April 11, 2023City and state: Detroit, Michigan
Complainant's signature

Timothy J. Madison, Special Agent (ATF)

Printed name and title


Judge's signature

Hon. David R. Grand, United States Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A
CRIMIANL COMPLAINT AND ARREST WARRANT

I, Timothy J. Madison, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit from personal knowledge based on my participation in this investigation, including interviews conducted by myself and/or other law enforcement agents, communications with others who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience.

2. I am a Special Agent (S/A) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and began my tenure with the ATF on March 13, 2022. I am currently assigned to the Detroit Field Division, Group II, Crime Gun Enforcement Team (CGET). As an ATF S/A, I have received specialized training at the Federal Law Enforcement Training Center including the Criminal Investigator Training Program and Special Agent Basic Training. During these programs, I received a total of twenty-seven weeks of instruction (400+ hours) on subjects including federal criminal law, conducting criminal investigations, interview techniques, surveillance, undercover operations, evidence collection and firearms trafficking.

3. Prior to working with the ATF, I was employed by the Michigan State Police for more than eight years where I worked various specialty assignments, including directed patrol, undercover narcotics, and special investigations. During my time with the Michigan State Police, I initiated more than one hundred felony investigations as the lead detective. During my investigations, I drafted more than three hundred warrant affidavits and participated in hundreds of search warrant and arrest operations. These investigations often included both state and federal violations and consisted of crimes of violence, firearms, and drug trafficking.

4. In addition to my specialized training and experience, I have obtained a Juris Doctor from the University of Detroit Mercy School of Law and have been a member of the State Bar of Michigan since October 2016.

INFORMATION SOURCES AND LIMITATIONS

5. The information contained within this affidavit is based on a combination of personal knowledge derived from my participation in this investigation and information from oral and written reports about this investigation and others that I have received from sworn law enforcement officers, including officers and detectives from the Melvindale Police Department (MEPD). This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

6. Based on my training and experience and the facts set forth in this affidavit, there is probable cause to believe that Kevin James DEITERING (W/M, DOB XX/XX/1998), a convicted felon, possessed ammunition in violation of 18 U.S.C. § 922(g)(1).

PROBABLE CAUSE

7. On March 31, 2023, I applied for and obtained a federal search warrant for the residence of DEITERING located on Harman Street in Melvindale, Michigan. The search warrant was reviewed and signed by United States Magistrate Judge Anthony P. Patti (23-50251-3) and was for evidence of violations of 18 U.S.C. § 1951 (robbery or extortion affecting interstate commerce), 18 U.S.C. § 922(g)(1) (felon in possession of a firearm), and 18 U.S.C. § 924(c) (use of a firearm in furtherance of a crime of violence) believed to be committed by DEITERING.

8. On April 7, 2023, agents executed the search warrant at DEITERING's residence shortly after 6 a.m. During the search warrant's execution, DEITERING refused to come down from the second floor of the residence and barricaded himself in the attic for more than twenty minutes. Agents were ultimately required to utilize a canine to enter the attic and apprehend DEITERING.

9. After DEITERING was taken into custody, agents completed a detailed search of the home and interviewed two (2) other adults that were present within the residence at the time of the search warrant's execution. The following evidence of

18 U.S.C. § 922(g)(1) (felon in possession of ammunition), committed by DEITERING, was located during the search:

- a. One (1) black polymer 80 Percent Arms, 9mm pistol, loaded with fourteen rounds of 9mm ammunition, was located in the southeast second floor bedroom on top of the dresser. These items were not concealed and would be apparent to anyone entering the room.
- b. Two (2) fired 9mm casings were located in the southeast second floor bedroom on a shelf underneath the 9mm pistol.
- c. One (1) round of 9mm ammunition was located on the floor of the southeast second floor bedroom under the bed.

10. The southeast second floor bedroom is the room suspected of belonging to DEITERING. The following observations, information, witness statements, and evidence further support this belief:

- a. MEPS officers have known DEITERING since he was approximately twelve years old and have encountered him on numerous occasions. MEPS officers have similarly had prior encounters with DEITERING inside his residence in Melvindale. They are aware from those encounters he resides on the second floor of the residence and his room is the southeast bedroom.
- b. During the execution of the search warrant, DEITERING concealed himself within an attic that could only be accessed by a room used for storage next to the southeast bedroom.
- c. During a search of the southeast bedroom, numerous items of men's clothing, including hats, shoes and sweatshirts were located. No apparent items of female clothing were observed.
- d. Agents located multiple documents with DEITERING's name on them, including a court notice to appear and a state identification

card within the southeast bedroom. Some of the documents were dated with dates of more than a year ago, suggesting this was a location of long-term residency for DEITERING.

- e. The southeast bedroom was the only area on the second floor with a bed. A photograph of DEITERING with an older female relative was on the wall in the southeast bedroom.
- f. During an interview with DEITERING's relative, which occurred following the search warrants execution, she provided the following information to MEPD officers:
 - i. She resides on the first floor of the residence with DEITERING's son.
 - ii. DEITERING's bedroom is on the second floor of the home.
 - iii. DEITERING stayed in the second-floor bedroom by himself, and she was not aware of anything in the room.
 - iv. She was not aware of any firearms in the residence.
- g. During an interview of a female who has a child in common with DEITERING, she provided the following information to MEPD officers:
 - i. She indicated she does not reside at the residence but only stayed overnight.
 - ii. DEITERING's bedroom was upstairs, and he had been staying there for months.
 - iii. She was not aware of any firearms within the residence but was aware of drugs.

11. In addition to the items located inside the southeast bedroom, miscellaneous ammunition, suspected methamphetamine, suspected anabolic steroids, drug paraphernalia, evidence of armed robbery, DEITERING's cellphone,

and other items were located on the second floor of the home.

12. According to a computerized criminal history (CCH) obtained from the Law Enforcement Information Network (LEIN), DEITERING has at least three prior felony convictions stemming from separate criminal incidents. DEITERING's convictions include:

- a. February 2016 - Felony assault on a police officer, 3rd Circuit Court of Wayne County, Michigan.
- b. March 2016 - Felony assault on a police officer, 3rd Circuit Court of Wayne County, Michigan.
- c. June 2016 - Felony larceny in a building, 18th Circuit Court of Bay County, Michigan.

13. DEITERING has received a prior jail sentence as a result of a felony conviction. Further, my training and experience have caused me to know DEITERING would likely have known he was a convicted felon based on the fact that he has three (3) prior felony convictions stemming from three (3) separate criminal incidents.

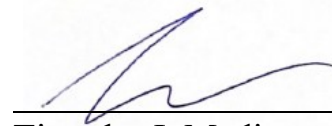
14. On April 7, 2023, I spoke with ATF Interstate Nexus Expert, S/A Jimmie Pharr, who analyzed the head stamps on the ammunition seized from the black polymer 80 Percent Arms, 9mm pistol. S/A Pharr advised the ammunition was manufactured outside the state of Michigan. Therefore, according to S/A Pharr, the fourteen rounds of 9mm ammunition would have traveled in and/or affected

interstate commerce.

CONCLUSION

15. Based on the information included in the preceding paragraphs, probable cause exists that DEITERING, a convicted felon, possessed ammunition on April 7, 2023, in violation of 18 U.S.C. § 922(g)(1). The violation occurred in Melvindale, Michigan, which is in the Eastern District of Michigan.

Respectfully submitted,



Timothy J. Madison, Special Agent
Bureau of Alcohol, Tobacco, Firearms
and Explosives

Sworn to before me and signed in my presence
and/or by reliable electronic means.



HON. DAVID R. GRAND
UNITED STATES MAGISTRATE JUDGE

Date: April 11, 2023